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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/085,068	05/26/1998	ALAN J. WEINBERGER	#98PS039	6403

26383 7590 10/07/2003

ROCKWELL COLLINS, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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CEDAR RAPIDS, IA 52498

EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/085,068

Applicant(s)

WEINBERGER ET AL.

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 8, 15 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1, 8, 15 of copending Application No. 09085246. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claims 1, 5, 15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8, 15 of copending Application No. 09085246. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are similar subject matter.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

DETAILED ACTION

Claim Rejections - 35 USC § 103

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1. Claims 1, 2-5, 8 -12, 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckle et al (US. Patent 6,049,819) in view of Ely et al (US. Patent 6,002,758).

As to claim 1, Buckle teaches a dispatch object (set of command, col 14, ln 1-50/ col 22, ln 5-20/ the event defined in IDL, col 15, ln 12-31), a framework (an infrastructure framework/ CORBA, col 3, ln 19-61/ col 13, ln 1-67/ col 15, ln 12-31), network (mobile network, col 1, ln 10-30), addressable unit objects (a first agent 1401 at location L1, col 20, ln 20, ln 40-67), virtual line (the agent enabling layer 503/ virtue of address/ agent template, col 13, ln 1-67), one or more physical devices(physical resources cooperating to provide services such as conventional voice telephone, facsimile and data transaction service, col 1, ln 10-30/ col 3, ln 19-55, col 20, ln 40-67), message(ACL messaging , col 13, ln 1-67/ col 14, ln 1-50, col 15, ln 9-31).

Buckle does not explicit teach communication network message. However, Ely teaches process network messages (col 2, in 35-63/ cool 4, in 5-49).

It would have been obvious to apply the teaching of Ely to Buckle in order to provide a message processing that can be rapidly designed, developed, tested, deployed, maintained and to provide a flexible message processing system and method which can be efficiently and rapidly expanded to support new applications and interfaces.

As to claim 2, Buck teaches message (ACL messaging, col 13, ln 1-67/ col 14, ln 1-50, col 15, ln 9-31), one or more physical devices (physical resources cooperating to provide services such as conventional voice telephone, facsimile and data transaction service, col 1, ln 10-30/ col 3, ln 19-55, col 20, ln 40-67), a queue(message are queued, col 15, ln 25-31).

As to the method of claim 3, see the rejection of claim 2.

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As to claim 4, Buckle does not teach logic to convert message from a first format to second format. However, Ely teaches first input message for processing the first format messages into a second format input message(col 2, ln 35-67).

It would have been obvious to apply the teaching of Ely to Buckle in order to change the format of input message to a format for delivery to the processor.

As to claim 5, Buckle teaches the status of related devices(entity packaging a set of data, col 5, ln 50-67)

As to a method of claim 8, refer to the rejection of claim 1. Further, Buckle teaches a system server (server agent, col 5, ln 1-10/ a server computer equipment, col 14, ln 1-15).

As to the system of claim 9, see the rejection of claim 2.

As to the system of claim 10, see the rejection of claim 3.

As to the system of claim 11, see the rejection of claim 4.

As to the system of claim 12, see the rejection of claim 5.

As to the computer program of claim 15, see the rejection of claim 1.

As to the computer program of claim 16, see the rejection of claim 2.

As to the computer program of claim 17, see the rejection of claim 3.

As to the computer program of claim 18, see the rejection of claim 4.

As to the computer program of claim 19, see the rejection of claim 5.

2. Claims 6, 13, 14, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckle et al (US. Patent 6,049,819) in view of Ely et al (US. Patent 6,002,758) and further in view of Prugh et al (4,787,027) .

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As to claim 6, Buckle does not teach the network address unit. However, Prugh teaches device address (Fig . 6).

It would have been obvious to apply the teaching of Prugh to Buckle in order to transfer data between the personal computer and plurality devices.

As the method to claim 7, Buckle data (a set of data, col 5, ln 50-67), one storage location(a first communication entity, col 5, ln 50-67), another(second communication entity, col 5, ln 50-67).

Buckle does not teach the network address unit. However, Prugh teaches device address (Fig . 6).

It would have been obvious to apply the teaching of Prugh to Buckle in order to transfer data between the personal computer and plurality devices.

As to the system of claim 14, see the rejection of claim 7.

As to the system of claim 13, see the rejection of claim 6.

As to the computer program of claim 20, see the rejection of claim 6.

4. Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

Fax phone: AFTER_FINAL faxes must be signed and sent to: (703) 746-2738, OFFICAL faxes must be signed and send to: (703) 746-7239, NON OFFICIAL faxes should not be signed, please send to: (703) 746-7240

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 9000.

LeChi Truong
September 29, 2003

A handwritten signature in black ink, appearing to be 'JF', is written above the typed name.

**JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**